

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TERRY TYLER,)
)
Petitioner,)
)
vs.) Case No. CIV-10-293-M
)
PAUL A. KASTNER, Warden,)
)
Respondent.)

ORDER

On July 30, 2010, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation brought pursuant to 28 U.S.C. § 2241 challenging the denial of petitioner's transfer to another facility. Because petitioner has failed to exhaust his administrative remedies before commencing this action, the Magistrate Judge recommends that the Amended Petition seeking habeas corpus relief pursuant to 28 U.S.C. § 2241 be dismissed. Petitioner was advised of his right to object to the Report and Recommendation by August 20, 2010, and on August 6, 2010, petitioner filed his objection.

Upon de novo review, the Court:

- (1) ADOPTS the well reasoned and thorough Report and Recommendation issued by the Magistrate Judge on July 30, 2010, and
- (2) DISMISSES the Petition seeking habeas corpus relief pursuant to 28 U.S.C. § 2241; and
- (3) ORDERS that judgment in favor of respondent issue forthwith.

IT IS SO ORDERED this 16th day of August, 2010.



VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE